

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

FABIAN VAKSMAN,
Defendant.

NO. CR-11-0074-WFN-1

ORDER ON DEFENDANT'S
MOTION TO DISMISS FOR LACK
OF JURISDICTION AND
RESETING SENTENCING

Pending before the Court is Defendant's Motion to Dismiss Case For Lack of Jurisdiction (ECF No. 52). In his Motion, Defendant asserts that this Court lacks jurisdiction because the Canadian/American Extradition Treaty has not been complied with. However, Defendant entered a plea of guilty pursuant to a Plea Agreement on May 12, 2011, to the charge of Criminal Contempt in violation of 18 U.S.C. § 401(3) (ECF No. 25). Defendant's current Motion fails as "a guilty plea admits even those factual allegations in the indictment that form the predicate for federal jurisdiction." *United States v. Mathews*, 833 F.2d 161, 164 (9th Cir. 1987). Accordingly,

IT IS ORDERED that:

1. Defendant's Motion to Dismiss Case For Lack of Jurisdiction, filed August 21, 2011, **ECF No. 52**, is **DENIED**.
2. The hearing on Defendant's Motion scheduled for **September 13, 2011, at 1:30 p.m. in Spokane**, Washington is **VACATED**.
3. The September 29, 2011 sentencing hearing is **STRICKEN and RESET to October 3, 2011, at 1:30 p.m., in Spokane**, Washington.

1 The District Court Executive is directed to file this Order and provide copies to
2 counsel **AND TO** United States Probation Officer Gloria Petretee.

3 **DATED** this 6th day of September, 2011.
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5 s/ Wm. Fremming Nielsen
6 WM. FREMMING NIELSEN
09-06 SENIOR UNITED STATES DISTRICT JUDGE
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